

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Implement the
California Renewables Portfolio Standard
Program.

Rulemaking 04-04-026
(Filed April 22, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING
FINDING AGLET CONSUMER ALLIANCE ELIGIBLE
TO CLAIM INTERVENOR COMPENSATION**

I. Summary

Aglet Consumer Alliance (Aglet) is eligible to claim compensation in this proceeding. However, a finding of eligibility for compensation does not necessarily guarantee an award of compensation. Aglet should not duplicate the efforts of other parties, which could result in a reduction in the amount of compensation ultimately awarded. The requirements of Pub. Util. Code §§ 1801-1804¹ are addressed below.

II. NOI Requirements

A. Timely Filing

Pursuant to § 1804(a)(1), a customer who intends to seek a compensation award shall, within 30 days after the Prehearing Conference (PHC), file and serve a Notice of Intent (NOI) to claim compensation on all parties to the proceeding. The first PHC in this proceeding was held on May 5, 2004; the

¹ All statutory references are to the Public Utilities Code.

second PHC was held on November 3, 2004; the third PHC was held on May 18, 2005; the fourth PHC was held on December 15, 2005. Aglet timely filed its NOI on January 12, 2006. No objection or response to the NOI has been filed.

B. Customer Status

Pursuant to Decision 98-04-059, this ruling must determine whether the intervenor is a customer, as defined in § 1802(b), and whether the intervenor is 1) a participant representing consumers, 2) a representative authorized by a customer, or 3) a representative of a group or organization that is authorized by its bylaws or articles of incorporation to represent the interests of residential ratepayers.

Aglet is an unincorporated nonprofit association authorized by its articles of organization and bylaws to represent and advocate the interests of residential and small commercial customers of electrical, gas, water, and telephone utilities in California. All of Aglet's members are residential customers; Aglet estimates that about 30% of its members also operate small businesses. Aglet is a Category 3 customer because it is an organization authorized by its bylaws to represent the interests of residential customers.

Aglet states that Aglet and The Utility Reform Network (TURN) will be the only intervenors representing the interests of residential and small commercial customers. Aglet expects that its work will support and complement, but not duplicate, the work of TURN and the Division of Ratepayer Advocates in this proceeding.

C. Significant Financial Hardship

Only those customers for whom participation or intervention would impose a significant financial hardship may receive intervenor compensation. Section 1804(a)(2)(B) allows the customer to include a showing of significant

financial hardship in the NOI. Section 1802(g) defines “significant financial hardship”:

“Significant financial hardship” means either that the customer cannot without undue hardship afford to pay the costs of effective participation, including advocate’s fees, expert witness fees, and other reasonable costs of participation, or that, in the case of a group or organization, the economic interest of the individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding. Alternatively, the customer may make the required showing in the request for an award of compensation.

Aglet meets this requirement through a rebuttable presumption of eligibility, pursuant to § 1804(b)(1), as it was found eligible for compensation in another proceeding that commenced within one year of this proceeding (Administrative Law Judge’s Ruling Regarding Notice of Intent to Claim Compensation and Petitions to Intervene, dated April 15, 2004, in Application 04-01-009). Should any party rebut this presumption, Aglet is granted leave to furnish evidence of its significant financial hardship within 10 days of the rebuttal filing.

D. Nature and Extent of Planned Participation

Section 1804(a)(2)(A)(i) requires an NOI to include a statement of the nature and extent of the customer’s planned participation in the proceeding to the extent this can be predicted.

Aglet states that it intends to participate actively in this proceeding, including commenting on utility filings, energy service provider reports, time of delivery profiles, the staff white paper on renewable energy credits, and transmission ranking cost reports. Aglet may address additional issues as well, and will participate in workshops and hearings.

E. Itemized Estimate of Compensation

Section 1804(a)(2)(A)(ii) requires that NOIs include an itemized estimate of the compensation the customer expects to receive.

Aglet estimates a total projected budget of approximately \$52,450 for this proceeding, as outlined below, based on proposed hourly rates that are shown below.

Amount	Description
Fees	
\$5,000	20 hours of professional time by James Weil at \$250/hour
\$2,000	16 hours of time on compensation by James Weil at \$125/hour
\$43,200	216 hours of time of professional time by Jan Reid at \$200/hour
\$1,600	16 hours of travel time by Jan Reid at \$100/hour
\$51,800	Estimated total fees
Costs	
\$100	Copies
\$100	Postage and delivery
\$400	Travel costs
\$50	Fax costs
\$650	Estimated total costs
\$52,450	Estimated Total Fees and Costs

Aglet satisfactorily presents an itemized estimate of the compensation it expects to request, although more specificity in its costs will be required when Aglet ultimately seeks compensation. Moreover, Aglet, like any intervenor, must fully support its ultimate request for compensation, including the reasonableness of the hours spent and hourly rates.

F. R.06-02-012

Aglet does not need to file a new NOI in Rulemaking (R.)06-02-012, which continues the rulemaking process for the Renewables Portfolio Standard (RPS) program and picks up some of the issues identified in Aglet's NOI filed in R.04-04-026. This finding of Aglet's eligibility in R.04-04-026 will apply to R.06-02-012 as well.

IT IS RULED that:

1. Aglet Consumer Alliance (Aglet) has met the eligibility requirements of Pub. Util. Code § 1804(a), including the requirement that it establish significant financial hardship, and is found eligible for compensation in this proceeding.
2. A finding of eligibility in no way assures compensation.
3. Aglet shall make every effort to reduce duplication of effort with other parties in its participation in this proceeding.
4. This finding of eligibility shall also apply to Rulemaking 06-02-012.

Dated March 30, 2006, at San Francisco, California.

/s/ ANNE E. SIMON
Anne E. Simon
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Finding Aglet Consumer Alliance Eligible to Claim Intervenor Compensation on all parties of record in this proceeding or their attorneys of record.

Dated March 30, 2006, at San Francisco, California.

/s/ KE HUANG

Ke Huang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.